

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

TIMOTHY DENISON,

Plaintiff,

v.

Case No: 6:20-cv-1010-Orl-37TBS

C R BARD INCORPORATED and BARD  
PERIPHERAL VASCULAR  
INCORPORATED,

Defendants.

---

**ORDER**

This case comes before the Court on Defendants' Motion to Compel Plaintiff Fact Sheet (Doc. 51). Plaintiff has not responded to the motion. When a party fails to respond, that is an indication that the motion is unopposed. Foster v. The Coca-Cola Co., No. 6:14-cv-2102-Orl-40TBS, 2015 WL 3486008, at \*1 (M.D. Fla. June 2, 2015). The Court proceeds on the basis that this motion is unopposed.

The Case Management and Scheduling Order governing this case set an August 14, 2020 deadline for Plaintiff to produce his Plaintiff Fact Sheet (Doc. 35 at 3). This deadline has not been extended and Plaintiff has not produced his Fact Sheet. Now, the Court finds that Plaintiff has violated the Scheduling Order and it **GRANTS** the motion to compel. Plaintiff shall produce his full and complete Fact Sheet to Defendants within fourteen days from the rendition of this Order.

When a court grants a motion to compel the moving party is entitled to recover its reasonable expenses in making the motion, including attorney's fees, unless "(i) the movant filed the motion before attempting in good faith to obtain the disclosure or

discovery without court action; (ii) the opposing party's nondisclosure, response, or objection was substantially justified; or (iii) other circumstances make an award of expenses unjust." FED. R. CIV. P. 37(a)(5)(A). None of the exceptions apply. Accordingly, Defendants are **AWARDED** their reasonable attorney's fees and costs for prosecuting this motion to compel. If the parties are unable to resolve this matter between themselves then Defendants have fourteen days from the rendition of this Order to file their motion for fees and costs and Plaintiff will then have fourteen days to respond.

**DONE and ORDERED** in Orlando, Florida on October 9, 2020.



THOMAS B. SMITH  
United States Magistrate Judge

Copies furnished to Counsel of Record